

Notice of Allowability

Application No.

09/690,692

Examiner

Hussein A. El-chanti

Applicant(s)

ENGSTROM ET AL.

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/11/2005.
2. ☒ The allowed claim(s) is/are 1-4, 7, 9-11, 14-17, 19, 21-23, 25, 26 and 28-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

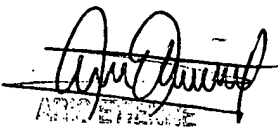
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


HUSSEIN A. EL-CHANTI
PATENT EXAMINER

EXAMINER'S AMENDMENT

1. This action is responsive to amendment received on Oct. 11, 2005.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Steven Prewitt on Dec. 6, 2005.

3. The application has been amended as follows:

Claim 14: replace "mobile client device" after "recipient provided by the" with – portable electronic apparatus – at line 10;

Claim 25: replace "24" after "claim" with – 22 -- at line 1;

Claim 34: replace "practice a method as set forth in claim 1" after "apparatus to" with – select a first recipient authorized to receive location information of a user of the apparatus to a messaging service, the first recipient being remotely disposed from the apparatus and the messaging service, to submit a current location of the user to the messaging service on behalf of the user, to enable the messaging service to select the first recipient based at least in part on the identity of the user and the selection of the first recipient provided by the apparatus and independent of a current communication relationship between the first recipient and the messaging service, and to transmit the user's current location. -- at line 3;

Claim 35: insert – physical – between "a" and "storage medium" at line 1;

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replace "practice a method as set forth in claim 1" after "apparatus to" with – select a first recipient authorized to receive location information of a user of the apparatus to a messaging service, the first recipient being remotely disposed from the apparatus and the messaging service, to submit a current location of the user to the messaging service on behalf of the user, to enable the messaging service to select the first recipient based at least in part on the identity of the user and the selection of the first recipient provided by the apparatus and independent of a current communication relationship between the first recipient and the messaging service, and to transmit the user's current location. -- at line 3;

Claim 36: replace "practice on the system a method as set forth in claim 1" after "processor to" with – enable the message module to select a first recipient authorized to receive location information of a user of the message module to a messaging service, the first recipient being remotely disposed from the message module and the messaging service, to submit a current location of the user to the messaging service on behalf of the user, to enable the messaging service to select the first recipient based at least in part on the identity of the user and the selection of the first recipient provided by the message module and independent of a current communication relationship between the first recipient and the messaging service, and to transmit the user's current location. -- at line 6.

4. Claims 1-4, 7, 9-11, 14-17, 19, 21-23, 25-26 and 28-36 are allowed.

5. Pursuant to 37 C.F.R. 1.109 and M.P.E.P. 1302.14, the following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach neither singly or in combination the claimed limitation of "select the first recipient based at least in part on the identity of the user and the selection of the first recipient provided by the apparatus and independent of a current communication relationship between the first recipient and the messaging service, and to transmit the user's current location" as in claims 1-4, 7, 9-11, 14-17, 19, 21-23, 25-26 and 28-36.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

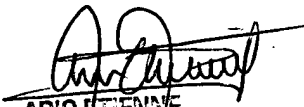
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

Dec. 6, 2005


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SENIOR PATENT EXAMINER
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